

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

JESSE DERRICK BOND,)	
)	
Plaintiff,)	Civil Action No. 05-241
)	
v.)	Judge Cercone
)	Magistrate Judge Caiazza
FNU RHODES, <i>et al.</i> ,)	
)	
Defendants.)	

MEMORANDUM ORDER

Jesse Derrick Bond's civil rights complaint was initiated with the filing of a Petition to Proceed In Forma Pauperis on February 23, 2005, and was referred to United States Magistrate Judge Francis X. Caiazza for pretrial proceedings in accordance with the Magistrates Act, 28 U.S.C. § 636(b)(1), and Rules 72.1.3 and 72.1.4 of the Local Rules for Magistrates.

The Magistrate Judge's Report and Recommendation, filed on July 31, 2007, recommended that the Defendants' Motion for Summary Judgment (Doc. 85) be granted. The parties were allowed ten days from the date of service of the report to file objections. Service was made on the Plaintiff by First Class United States Mail delivered to the State Correctional Institution at Cresson. The Plaintiff was granted an extension of time within which to file objections, and he filed same on September 14, 2007 (Doc. 94).

Only one of the Plaintiff's objections warrants further comment, with the remainder being adequately addressed in the

Magistrate Judge's Report. The Plaintiff cites to Jones v. Bock, 127 S.Ct. 910 (2007) for the proposition that a prisoner's efforts to exhaust administrative remedies are sufficient if they serve the purpose of alerting the staff and inviting corrective action. In this respect, the Plaintiff is citing to the Supreme Court's summary of Circuit Court precedent, and not to the Supreme Court's own ruling. In fact, the Supreme Court in Jones v. Bock held only that the failure to name a particular defendant in a prison administrative appeal is not necessarily fatal to the prisoner's attempts to exhaust administrative remedies. The Court noted that the key to determining whether exhaustion has occurred in that situation will always be the requirements of the prison grievance process itself. Here, Bonds failed to appeal some of his grievances to final review, a clear failure to exhaust administrative remedies. Hence, Bonds' citation to Jones v. Bock is unavailing.

After de novo review of the pleadings and documents in the case, together with the Report and Recommendation and the objections thereto, the following order is entered:

AND NOW, this 19th day of September, 2007,

IT IS HEREBY ORDERED that the Defendants' Motion for Summary Judgment (Doc. 85) is GRANTED.

The Report and Recommendation of Magistrate Judge Caiazza, (Doc. 91), dated July 31, 2007, is adopted as the opinion of the court.



David Stewart Cercone
United States District Judge

cc: Honorable Francis X. Caiazza
United States Magistrate Judge

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